

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CLAYTON WADE WHITEHEAD,

Plaintiff,

v.

Civ. No. 20-1087 KWR/KK

TIMOTHY GARCIA,

Defendant.

**ORDER DENYING MOTION TO REQUEST DOCUMENTS AND VIDEOS MISSING
FROM THE MARTINEZ REPORT**

Before the Court is Plaintiff's Motion to Request Documents and Videos Missing from the Martinez Report (Doc. 23) ("Motion"), filed December 14, 2022. (Doc. 32.) Defendant Timothy Garcia filed a Response in Opposition to the Motion in which he attached an affidavit of the Deputy Director of the Otero County Detention Center attesting that the documents Mr. Whitehead seeks in his Motion do not exist. (Doc. 33.) The Court cannot compel production of materials that do not exist. As such, the Motion (Doc. 32) is DENIED.

IT IS SO ORDERED.



KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE